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**From:** Deegan, Dave [Deegan.Dave@epa.gov]  
**Sent:** 2/1/2021 5:32:51 PM  
**To:** R1 Executives All [R1ExecutivesALL@epa.gov]  
**Subject:** FW: Daily News Clips Afternoon Edition 2/1/21

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**From:** Sullivan, Melissa  
**Sent:** Monday, February 1, 2021 12:32:48 PM (UTC-05:00) Eastern Time (US & Canada)  
**To:** AO OPA OMR CLIPS  
**Subject:** Daily News Clips Afternoon Edition 2/1/21

**Daily News Clips Afternoon Edition**

**February 1, 2021**

**Administrator**

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**Administrator**

Winston-Salem Journal Opinion  
["Our view: Rebuilding the EPA"](#)

N.C. A&T alumnus Michael Regan will need a sturdy pair of boots, stiff gloves and a hard hat when he sifts through what is left of the Environmental Protection Agency.

Talk about a fixer-upper.

While Donald Trump was making noise elsewhere, his administration also was quietly ripping the floorboards and poking holes in the walls of the EPA.

Regan, 44, who has headed North Carolina's Department of Environmental Quality since 2017, is Joe Biden's choice as the new EPA administrator.

Part of his challenge will be to repair much of what was undone over the past four years.

According to a New York Times report, compiled from research by the Harvard and Columbia law schools, among others, the Trump administration rolled back nearly 100 environmental protections and regulations. (A Washington Post tally cites 130.)

"This is a very aggressive attempt to rewrite our laws and reinterpret the meaning of environmental protections," Hana V. Vizcarra, a staff attorney for Harvard's Environmental and Energy Law Program, told the Times. "This administration is leaving a truly unprecedented legacy." Most of the rollbacks involved air pollution and emissions regulations (30). Placing second on the list of 98 rollbacks was drilling and extraction rules (19), followed by animal protections (16), infrastructure and planning (14), toxic substances and safety (10), and clean-water regulation (9). And, ironically, most of them were initiated by ... the EPA (over the objections of many of its staff). Pitching in on the unraveling were the Interior Department and the Department of Energy.

If these rollbacks were allowed to remain in place, projections say, they would result in the release of an additional 1.8 billion metric tons of greenhouse gases into the atmosphere over the next 15 years. Trump officials say they were merely correcting overstep by the government, and, as one EPA spokeswoman told the Times, "to provide certainty for states, tribes and local governments."

What is truly certain is the vastness and brazenness of the rollbacks. Clear air and water? Who needs 'em? Of course, going forward, much of what was undone will be restored. But the broken pieces that Trump left behind are so widespread and severe that Humpty Dumpty might have had it better.

Included on the list of loosened or eliminated rules and policies:

1. Fuel economy standards.
2. Limits on methane leaks from oil and gas industries and from landfills.
3. The Obama-era Clean Power Plan, which had pressed states to reduce emissions from coal-fired power plants and shift to cleaner energy options.
4. And an Obama executive order that set a goal of a 40% reduction of government greenhouse emissions over 10 years.

Almost immediately, the Biden administration has gotten busy on environmental issues. The U.S. has rejoined the Paris climate accord. The president also imposed a moratorium on oil and gas leasing in the Arctic National Wildlife Refuge and revoked the permit for the Keystone XL oil pipeline. He called as well for the review of every Trump-era environmental rollback.

Biden signed orders to transition the economy away from fossil fuels and move to an all-electric federal vehicle fleet. And he reemphasized his intent to address environmental racism, a cause that Regan holds particularly dear. Regan, who will be the first Black man to head the EPA, will bring to the agency an abiding concern for "fence communities," meaning those who live in most minority neighborhoods near polluting industries and are most directly affected by them. To address those issues in North Carolina, he created an environmental justice advisory board. "Finally, we have a White House that is elevating the climate crisis and environmental justice to the most senior levels of government," U.S. Rep. Alma Adams of Charlotte said last week.

If he is confirmed, Regan would bring impressive credentials to the job. He is an EPA veteran, having spent nearly 10 years with the agency, where he focused mostly on air quality and energy. Regan then spent nearly 10 years with the Environmental Defense Fund before joining the Cooper administration. Among his accomplishments at NCDEQ was the historic settlement with Duke Energy to clean up nearly 80 million tons of coal ash. On his watch NCDEQ also fined the Chemours Co. \$13 million for allowing the chemical GenX into the Cape Fear River.

But he, too, has his work cut out.

The EPA is shorthanded. Its budget has been slashed and its workforce reduced. It has lost a number of senior staff members.

But this old house has good bones.

And Regan appears well-qualified to restore it.

Ag Week

"5 questions for Michael Regan, President Biden's nominee to lead EPA"

Sara Wyant

Michael Regan has served as Secretary of the North Carolina Department of Environmental Quality since 2017 and now he's ready to enter the national stage as President Joe Biden's pick to lead the Environmental Protection Agency.

If confirmed, he'll play a major role in countless decisions impacting air and water quality, climate change, food production, crop protection and rural America in general. In an exclusive interview, Regan told Agri-Pulse that he recognizes the nation's 46th president has a very aggressive agenda, "but we cannot meet our goals without having a very strong partnership with agriculture." He also acknowledged that "we can't regulate our way out of this solely. It will take innovation. It will take partnership. It will take voluntary programs, all of the above, to see our way through this climate emergency and agriculture has such an important role."

Raised in the eastern part of North Carolina, he grew up, hunting and fishing with his father and his grandfather, who was a small farmer who grew peanuts and soybeans, along with a few hogs and chickens. As a result, he says he understands "the importance of agriculture and the culture of agriculture" and that "agriculture has a role in helping us be successful in environmental protection." Regan says he believes that environmental protection and economic prosperity are not mutually exclusive, but can go hand in hand, and agriculture fits in that narrative. In this far-ranging interview, we asked him a variety of questions, ranging from crop protection to biofuels and environmental justice. Some answers have been edited for brevity.

**Several sources tell us that, in North Carolina, you had an "open door" policy and were willing to listen to both sides of an argument. What should folks expect that to look like in Washington, D.C.?**

It's my goal to have it look very similar. Agriculture is such an important industry in North Carolina is such an important industry to this country as well. And so, I've always felt that it's very important to use the power of convening and pull all of our stakeholders in and have very robust conversations, quite frankly about some fairly complex issues. I believe transparency is critical in engaging our stakeholders, is critical and while we might not always agree on the outcome. The goal is to get folks to buy into the journey. We've had some success with that in North Carolina, and I plan to apply that same recipe if confirmed to the way, EPA approaches our national discussion as well.

**The list of environmental issues currently facing you at EPA is very long and President-elect Joe Biden has a very ambitious environmental agenda. How will you prioritize these issues during your first six months?**

The President has a very ambitious yet needed environmental agenda. I'm proud to, if confirmed, run point on the EPA agenda. The honest answer is we're going to have to walk and chew gum at the same time. The first goal is to reinvigorate the organization and the staff, make sure that I'm a great partner to the staff and that they know their voices will be heard. We're going to follow the science. We're going to follow the law. And we're going to apply that to the President's ambitious climate agenda, which has a critical role for the ag industry. We're going to tackle water quality issues, again, agriculture will be a significant partner there. And then we're going to look at environmental justice and equity and agriculture is no stranger to that topic, either. So, as we rebuild the workforce, reinvigorate the staff and put science and rule of law first. The President's agenda is a very ambitious agenda. But there is a critical role for agriculture in that agenda. And I plan on being a good partner to agriculture.

**How quickly do you anticipate you'll be able to get your own staff in place and refill numerous open position? Do you plan to have someone on your team charged with farm and rural outreach?**

Luckily for us, EPA is full of very talented and dedicated public servants; people who have dedicated their lives, and are very passionate about protecting our environment, while growing our economy. And so, we have some really good folks in place. We will work with Congress on ensuring that we have the smoothest path forward. My confirmation, obviously, would be the first I'd hope to be confirmed. But after that we'll work with Congress to line up the confirmation for all of the other political appointees that require Senate confirmation. There are quite a few leadership roles that will require that. But in the meanwhile, will rely on the steady hand of the civil servants who are not politically appointed, but very passionate about ensuring EPA's agenda moves forward.

**We absolutely plan to have dedicated resources to farm and rural outreach and agricultural issues, whether that's an individual or a team of people that we bring together, to be sure that agriculture is a priority. We're going to take a look at that on day one.**

My goal is to leverage all of the resources at my fingertips to advance solutions for the agriculture industry. So, any stakeholder or any group of individuals that can pull up to the table and help us tackle these very complex issues . . . we're going to have an open door policy we're going to convene everyone we can, there's going to be an all hands on deck approach.

**Farmers and ranchers have been focused on the scope of the Waters of the U.S. (WOTUS) for many years. What's your recommendation for the next steps under a new Biden Administration?**

This is another opportunity for me to first of all, consult with my legal team at EPA to determine what are all of the options on the table, in terms of moving forward from a legal perspective. While they are evaluating that and advising me on the legal path forward, I also plan to convene all of the stakeholders that have been impacted to begin thinking through what do we need to do to advance this topic. So, we'll look at the legal path forward and I'll consult with counsel, but we'll also reach out to our stakeholders about what are the avenues outside of litigation to advance this issue. This is a very important issue and it's been a topic of discussion in North Carolina, it's been a topic of discussion across this country. What I do know is we have to choose a path forward that protects our water quality, protect our natural resources, but also is not overly burdensome on our small farmers. I think there's a way to do it, but it will require conversations and all hands on deck.

**Expanding biofuel usage and implementing the Renewable Fuel Standard is another big topic of concern. Tell us more about how you view biofuels and their role in addressing climate change. What's your opinion on small refinery exemptions?**

The president has not been shy in indicating that biofuels, especially advanced biofuels, will be critical to help meet his ambitious climate agenda. I agree with that. Advanced biofuels will be very important. We will take a look at all of the science, we'll take a look at the laws that are on the books, in terms of the applicability of these advanced biofuels, the application of new technology, and we will push that agenda with our agriculture partners in a way that demonstrates that agriculture can be part of the solution for mitigating this climate emergency.

I'll spend a lot of time with the experts at EPA, evaluating the Renewable Fuel Standard, and its application. And the law is pretty clear in terms of small refinery exemptions. What I can pledge is, we will follow the law and will be transparent about how we're following the law and the decisions that will be made by the agency will not be done as a surprise but will be made through a transparent stakeholder engagement process where everyone can at least understand how the agency arrived at decisions.

## **Agency**

Santa Barbara News Press

"Stoker sues former EPA head, others for defamation"

<https://newspress.com/stoker-sues-former-epa-head-others-for-defamation/>

Mitchell White

Former local elected official and head of the Environmental Protection Agency's Pacific Southwest Region Mike Stoker has filed a lawsuit against former agency Administrator Andrew Wheeler and three of his top deputies for defamation. In the lawsuit, filed last week in the U.S. District Court for the Central District of California, Mr. Stoker accuses Mr. Wheeler and others of making "several false and unprivileged statements" about him, which meant to convey that Mr.

Stoker is “a liar, a fraud” and “someone who should not be trusted and someone who is neglectful and incompetent in the administration of his duties,” the lawsuit reads.

The defendant’s statements exposed Mr. Stoker to “hatred, contempt, ridicule, and shame,” and “discouraged others from associating or dealing with him,” according to the lawsuit.

Along with Mr. Wheeler, other defendants in the lawsuit include former EPA Associate Deputy Administrator Douglas Benevento, former chief of staff Ryan Jackson and former EPA spokesman Corry Schiermeyer.

Mr. Stoker, a former Santa Barbara County supervisor and current Carpinteria resident, was hired in May 2018 as the head of what is known as Region 9, which includes California, Nevada, Arizona, Hawaii and the Pacific islands.

He was fired in February 2020. According to the lawsuit, Mr. Stoker was contacted by Mr. Benevento and Mr. Jackson by phone and his employment was terminated.

When asked for the reason for his termination, Mr. Stoker was told it “wasn’t personal” though neither Mr. Benevento nor Mr. Jackson provided a reason for his firing, according to the lawsuit.

One day after his firing, the lawsuit accuses the defendants of “recklessly and knowingly reported falsehoods” about Mr. Stoker, which included that he was “too interested in travel for the sake of travel and ignored necessary decision making required of a regional administrator.”

The defendants also said that EPA leadership repeatedly requested he conduct “the basic responsibilities of his job,” and that after many requests they “had to relieve him for severe neglect and incompetent administration of his duties,” according to the lawsuit.

Several news reports following Mr. Stoker’s firing damaged his reputation, “presented him in a false light that resulted in disparaging his good name and reputation, and caused him emotional distress and economic loss,” the lawsuit reads.

The lawsuit claims the statements were “prepared, approved of and made with malice as they were knowingly untrue” and intended to harm Mr. Stoker.

The lawsuit also says that Mr. Stoker performed his job diligently and was never orally reprimanded or written up for poor performance. The lawsuit further alleges that all his travel was approved by the EPA and that the agency was aware that none of his travel violated its rules.

“These statements, now that they’re on any Google search, with an allegation that he was terminated for dereliction of duties, have negatively affected his ability to earn income, as well as his earning capacity,” Jordan Hankey, of the Law Office of Jordan D. Hankey, which is representing Stoker, told Bloomberg Law.

The lawsuit, filed against the individual defendants and not the EPA, seeks punitive damages against the four defendants.

Mr. Stoker is requesting judgement of an amount greater than \$75,000 to be determined by trial, plus costs, pre- and post-judgement interests and other relief that the court deems appropriate.

As reported in February 2020 by the News-Press, Mr. Stoker sent a letter to Region 9 staff following his firing. In the letter, Mr. Stoker said he received a call advising him to either tender his resignation or he would be terminated.

“Within minutes my EPA phone and laptop were disabled,” Mr. Stoker wrote at the time.

The letter cited “a lot of specific situations,” for his removal, but additional details were not provided.

“So why did the Wednesday morning call occur? There are a lot of specific situations that someday I will reveal but that day will not occur while the President is still in office. I was appointed by the President and I remain loyal to the President,” Mr. Stoker wrote, in reference to former President Donald Trump.

“Generally speaking I will say I believe too many clashes between myself and leadership in HQ over policy and non-policy items (when I was given advance notice which often was not the case) ultimately played a significant role in the call,” he added.

During his time with the EPA, Mr. Stoker had been criticized for attempting to oversee employees stationed in San Francisco from Los Angeles. Some 93% of the 663 employees within Region 9 were stationed in San Francisco. He petitioned to have his duty station changed to Los Angeles, a request that was later granted.

In March 2019, the EPA’s Office of the Inspector General investigated a “hotline complaint” about how much time Mr. Stoker was spending away from San Francisco. The office then issued a “Management Alert” that documented how Mr. Stoker spent \$43,875 in taxpayer funds on 35 separate trips between May 2018 and February 2019. The report found he spent only 30 out of 145 workdays in San Francisco.

Prior to joining the EPA, Mr. Stoker was the director of government affairs for UnitedAg, one of the state’s largest agricultural associations. He also served as a member of the Santa Barbara County Supervisors from 1986-1994, chairman of the California Agricultural Labor Relations Board from 1995-2000 and California deputy secretary of state from 2000 to 2002.

More recently, Mr. Stoker is known as the person behind the “lock her up” chants in opposition to Hillary Clinton.

## Enforcement

Waste Today

“Stericycle settles with EPA on emissions accusation”

<https://www.wastetodaymagazine.com/article/stericycle-utah-epa-incinerator-settlement-medical-waste/stericycle-utah-epa-incinerator-settlement-medical-waste/>

Brian Taylor

Bannockburn, Illinois-based Stericycle Inc. has reached a settlement with the United States Department of Justice (DOJ) and the U.S. Environmental Protection Agency (EPA) designed to resolve alleged violations of the federal Clean Air Act and Utah air quality regulations at a Stericycle medical waste disposal plant in North Salt Lake, Utah.

According to the EPA, the settlement requires Stericycle to comply with EPA regulations applicable to medical waste incinerators, pay a \$600,000 civil penalty, and conduct a Supplemental Environmental Project requiring the company to spend at least \$2 million to purchase low-emitting school buses for a local school district.

The EPA’s complaint alleges Stericycle operated its Utah waste incinerator in a manner that exceeded regulatory limits for nitrogen oxides (NOx); failed to properly conduct stack tests; and failed to comply with reporting requirements. EPA investigated the alleged violations in cooperation with the Utah Division of Air Quality, which concluded its own action for related violations several years ago.

“This settlement will benefit all who live in and visit North Salt Lake,” says EPA Acting Regional Administrator Debra H. Thomas. “In addition to NOx reductions at the facility, the settlement requires Stericycle to replace old, high-emitting school buses for a local school district, providing cleaner air for school children and nearby neighborhoods.”

“Medical waste incinerators must operate in strict compliance with our nation’s clean air laws,” says Jean E. Williams, Deputy Assistant Attorney General for the DOJ’s Environment and Natural Resources Division. “Stericycle has installed new pollution controls and made operational changes to remedy the violations alleged in the complaint.”

The consent decree, which can be viewed by clicking a link on [this web page](#), is subject to a 30-day public comment period and final court approval.

## ORD

Bloomberg Law:

[“EPA Seizes on ‘Secret Science’ Ruling in Bid to Nix Trump Rule”](#)

Ellen Gilmer

The EPA is calling on a federal court to scrap a Trump-era “science transparency” regulation in light of a recent decision casting doubt on its legality.

Lawyers for the Environmental Protection Agency on Sunday filed an unopposed [request](#) for the U.S. District Court for the District of Montana to vacate the rule and remand it to the agency. The approach, if approved by the court, would save the Biden administration the significant time and resources it would have had to spend to unwind the Trump administration rule through a standard rulemaking process. The Strengthening Transparency in Regulatory Science rule, also known as the “secret science” rule, restricts the EPA from crafting regulations based on scientific research that isn’t public or can’t be reproduced. Environmental advocates, scientists, and a coalition of left-leaning states and cities oppose the regulation.

The request pointed to the court’s [Jan. 27 ruling](#) that the EPA violated federal law in making the contentious rule effective immediately upon its publication in the Federal Register, instead of after a customary 30-day waiting period. The EPA has already [moved](#) to postpone the Trump rule from taking effect Feb. 5—its revised effective date after last week’s ruling.

## ‘Substantive’ Rule

The rule was substantive, not procedural, and therefore couldn't bypass the 30-day period, Chief Judge Brian Morris wrote last week. He added that the conclusion "casts into significant doubt whether EPA retains any legal basis to promulgate the Final Rule."

The EPA said the court should go a step further and toss the Trump rule entirely. "Based on the Court's conclusion that the Final Rule is a substantive rule, the sole source of authority for the rule's promulgation cannot support the rulemaking," the agency told the court Sunday. "In these circumstances, Defendants acknowledge that vacatur of the Final Rule is appropriate and therefore respectfully request that the Court vacate the Final Rule and remand the matter to EPA."

The case is Env'tl Defense Fund v. EPA, D. Mont., No. 4:21-cv-00003, motion filed 1/31/21.

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